IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 16802 of 2007(A)

PETITIONER:

S.S.GEETHA, SUB ENGINEER,
KERALA STATE ELECTRICITY BOARD,
OFFICE OF THE CHIEF ENGINEER (D.S),
POWER HOUSE BUILDING, THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENTS:
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1. THE REGISTRAR, UNIVERSITY OF KERALA,
KERALA UNIVERSITY BUILDING,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER (ELECTRICITY),
DISTRIBUTION SOUTH, THE KERALA STATE ELECTRICITY
BOARD, POWER HOUSE BUILDING, THIRUVANANTHAPURAM.

3. THE PRINCIPAL, GOVERNMENT COLLEGE OF
ENGINEERING, THIRUVANANTHAPURAM.

4. THE DIRECTOR OF TECHNICAL EDUCATION,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC
R2 BY ADV. SRI.P.P.THAJUDEEN, SC
R3&4 BY G.P.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007 ALONG WITH R.P. NO.506/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF NOC ISSUED BY R2 DT.9.5.2006.

P2: TRUE COPY OF INTERIM ORDER PASSED IN I.A. NO.6162/2006 IN WPC NO.12022/2006 PASSED BY THIS COURT DT.16.5.2006.

P3: TRUE COPY OF RECEIPT SHOWING REMITTANCE OF FEE ISSUED BY RESPONDENT DT.5.6.2006.

P4: TRUE PHOTOCOPY OF COMMUNICATION DT.8.6.2006.

P5: TRUE PHOTOCOPY OF ADMIT CARD (HALL TICKET) .5.2006.

P6: TRUE COPY OF INTERIM ORDER DT.2.6.2006, PASSED BY THIS COURT IN W.P.C. NO.12002/2006.

P7: TRUE COPY OF INTERIM ORDER DT.8.8.2006, IN I.A. NO.10721/2006 IN WPC NO.12022/2006 PASSED BY THIS COURT.

P8: TRUE COPY OF THE ADMIT CARD ISSUED BY R1 TO THE PETITIONER FOR 3RD SEMESTER EXAMINATION NOV.2006.

P9: TRUE COPY OF MEMO DT.10.5.2007 ISSUED BY R1 TO THE PETITIONER.

P10: TRUE COPY OF MEMO DT.2.5.2007 ISSUED BY R1 TO THE PETITIONER.

P11: TRUE COPY OF JUDGMENT DT.9.2.2007 IN W.P.C. NO.12022/2006 PASSED BY THIS COURT.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.16802 of 2007 &
R.P. No.506 of 2007 in
W.P.(C) No.12022 of 2006

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Dated this the 15th day of June, 2007.

JUDGMENT

The petitioner, a Sub Engineer in the KSEB applied for admission to Part-time Engineering course. When the employer namely, KSEB delayed issuance of NOC, petitioner approached this court and obtained interim orders directing KSEB to issue NOC. Even though NOC was issued, petitioner did not join the college in the first year Engineering course. However, under interim orders petitioner wrote the first year Engineering examination without attending first and second semester course. Obviously this court was not aware of the consequence of interim orders or otherwise, petitioner would not have been allowed to write the Engineering examination without completing the course study which is mandatory. In the circumstances, before further proceeding in the matter, there will be direction to the University to cancel the examination result of the petitioner in the first year Engineering examination. However, since petitioner continued to attend the third and fourth semester course and completed the same and wrote the examinations, I feel University is bound to issue

marklist for third and fourth semester examination. Since petitioner is in the fourth semester, she should be allowed to continue her studies until completion of 8th semester and write the examinations. After completing the 8th semester there will be direction to the Principal of the College and the University to permit the petitioner to again join the first semester, complete the first and second semesters and then permit her to write first year examination after completing the course study in accordance with the University Regulations. It is for the petitioner to write the examination again after completion of the first year. Degree Certificate will be issued only after completion of the course study and passing examinations as above. There will be direction to the KSEB to retain the petitioner in Trivandrum to complete her course as above and issue permanent NOC to the petitioner to complete the course. The R.P. and W.P. are disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms